

2012-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Schiff and Colvin Roy

Repealing Chapter 343 of Title 13, of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Transient Merchants.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 343 of the above-entitled ordinance be and is hereby repealed.

~~CHAPTER 343. TRANSIENT MERCHANTS~~

~~343.10. Definitions.~~ For purposes of this chapter, the term "transient merchant" includes any person or persons, individual, copartnership and corporation, both as principal and agent, whether resident or nonresident of the city, who engage in, do or transact any temporary and transient business in this city, either in one locality, or in traveling from place to place in this city, selling goods, wares and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy or use a building, structure, vacant lot, railroad car, or any other property within the city for the exhibition and sale of such goods, wares and merchandise. "Goods, wares and merchandise" shall not be construed to include cut flowers.

~~343.15. Sale of certain goods prohibited.~~ The sale of food, food products, and farm products by transient merchants shall be prohibited, except by the following persons:

(a) ~~A person who sells or peddles the products of the farm or garden occupied and cultivated by him or her. Such a person shall not be required to obtain a transient merchant license but shall first register his or her name, business address, and sales location with the department of licenses and consumer services, and shall provide proof that he or she occupies and cultivates a farm or garden;~~

(b) ~~A person holding a valid food distributor license issued by the City of Minneapolis, covering the food products proposed to be sold as a transient merchant, and who has a permanent food distributor facility subject to inspection~~

~~by the health department. Such person shall first be required to apply for and obtain a transient merchant's license but shall be required to pay only one-half the license fee.~~

~~**343.20. License required.** No person shall carry on the business of transient merchant under this chapter at any location within the city without being licensed for each location. Where two (2) or more persons intend to carry on the business of transient merchant at one location at the same time and where, prior to carrying on such business they are required to comply with registration procedures of any association or organization or society, then only such association or organization or society, as representative of such above persons, shall be required to obtain a license.~~

~~**343.30. Application for license.** Any person desiring to be licensed under this chapter shall file an application with the department of licenses and consumer services on forms provided by the department. The application shall contain such information as the department may require as well as the following:~~

- ~~(a) The name of the applicant and all persons having an interest in applicant's business;~~
- ~~(b) The type of business for which the license is requested;~~
- ~~(c) A list of the places and corresponding dates where the business is to be carried on for the license period;~~
- ~~(d) The length of time for which license is desired;~~
- ~~(e) A general description of the things to be sold;~~
- ~~(f) The present place of business of the applicant;~~
- ~~(g) A statement as to whether or not the applicant has been convicted of any crime, petty misdemeanor or municipal ordinance relating to theft, damage or trespass to property, or operation of a business; the nature, place and date of the offense, and the punishment or penalty assessed.~~

~~**343.40. Bond required.** Each applicant who has not obtained a license under the provisions of Chapter 329, Minnesota Statutes, shall provide a bond to the city in an amount which shall not be less than one thousand dollars (\$1,000.00) which bond shall be approved by the director of licenses and consumer service and shall be conditioned that the applicant will in all things conform to the laws relating to transient merchants and further conditioned on full compliance with all material oral or written statements and representations made by the seller, applicant's agents, representatives or auctioneers with reference to~~

~~merchandise sold or offered for sale and on faithful performance under all warranties made with reference thereto.~~

~~**343.50. When licenses expire and fees.** The annual license fee shall be as established in Appendix J, License Fee Schedule, to be paid when the application is filed. All licenses issued under this chapter shall expire on May first of each year.~~

~~**343.60. Transferability.** A license shall be transferable only as to location. Any change of location must be approved by the department of licenses and consumer services. A thirty-three-dollar (\$33.00) fee shall be charged for any such change of location.~~

~~**343.70. Denial, suspension and revocation.** Any license under this chapter may be denied, suspended or revoked for any one or more of the following reasons:~~

- ~~(a) The proposed use is in conflict with the Minneapolis Zoning Code;~~
- ~~(b) The proposed use is in conflict with any health, building, building maintenance, or other provisions of this Code of Ordinances or state law;~~
- ~~(c) The applicant has failed to comply with one or more provisions of this chapter;~~
- ~~(d) Fraud, misrepresentation or bribery in securing a license;~~
- ~~(e) The making of any false, fraudulent or deceptive statements as to a material matter in an application for a license;~~
- ~~(f) Fraud, misrepresentation or false statement made in the course of carrying on the applicant's business;~~
- ~~(g) Conviction of any crime, petty misdemeanor or municipal ordinance relating to theft, damage or trespass to property, or operation of a business;~~
- ~~(h) Conducting the licensed business in any unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.~~